

EXECUTIVE JOURNAL.

[SECOND SESSION.]

MONDAY, JANUARY 11, 1790.

A message from the President of the United States, by the Secretary at War, was read as followeth:

UNITED STATES, *January 11th, 1790.*

Gentlemen of the Senate:

Having advised with you upon the terms of a treaty to be offered to the Creek Nation of Indians, I think it proper you should be informed of the result of that business, previous to its coming before you in your legislative capacity. I have therefore directed the Secretary for the Department of War to lay before you my instructions to the Commissioners, and their report in consequence thereof.

The apparently critical state of the southern frontier will render it expedient for me to communicate to both Houses of Congress, with other papers, the whole of the transactions relative to the Creeks, in order that they may be enabled to form a judgment of the measures which the case may require.

[Signed]

Go. WASHINGTON.

Ordered, That the communication from the President of the United States be deferred for consideration.

TUESDAY, FEBRUARY 9, 1790.

The following messages from the President of the United States, were brought to the Senate by his Secretary:

UNITED STATES, *February 9, 1790.*

Gentlemen of the Senate:

You will perceive, from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States, relative to the boundary line between our Eastern and their territories. A plan for deciding this difference, was laid before the late Congress; and whether that, or some other plan of a like kind, would not now be eligible, is submitted to your consideration.

In my opinion it is desirable that all questions between this and other nations, be speedily and amicably settled; and in this instance I think it adviseable to postpone any negotiations on the subject, until I shall be informed of the result of your deliberations, and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, &c. I am the more solicitous that the business, now submitted to you, may be prepared for negotiation, as soon as the other important affairs which engage your attention will permit.

Go. WASHINGTON.

UNITED STATES, February 9th, 1790,

Gentlemen of the Senate:

I nominate, as Collectors, Naval Officers, and Surveyors for the ports of the several districts in the State of North Carolina, the persons whose names are respectively annexed to the offices in the following list:

Districts.	Ports.	Officers.	Nominations.
Wilmington.	{ Wilmington, Swansborough, { Newbern, { Beaufort, Washington, Edenton, Hartford,	Collector, Naval Officer, Surveyor, Surveyor, Collector, Surveyor, Collector, Collector, Surveyor,	James Read. John Walker. Thomas Callender.
Newbern.		do.	John Daves.
Washington.		do.	John Easton.
Edenton.	{ Murpheysborough, Plymouth, Windsor, Skewarke, Winton, Bennits Creek, Plankbridge on } Sawyer's Creek, } Nixinton, Indiantown, Currituck Inlet, Pasquotank River Bridge, Newbiggen Creek,	do. do. do. do. do. do. do. do. do.	Nathan Keais. Thomas Benbury, Joshua Skinner Jun. (son of William.) Hardy Murfree. Levi Blount.
Camden.		Collector, Surveyor,	Henry Hunter. William Wynne. John Baker.
		do.	Isaac Gregory.
		do.	Hugh Knox.
		do.	Thomas Williams.
		do.	Edmund Sawyer.
		do.	Elias Albertson.

I likewise nominate Samuel Shaw, to fill the office of Consul of the United States of America, at Canton, in China.

Go. WASHINGTON.

UNITED STATES, February 9, 1790.

Gentlemen of the Senate:

Among the persons appointed, during your late session, to offices under the national government, there were some who declined serving. Their names and offices are specified in the first column of the annexed list. I supplied these vacancies, agreeably to the Constitution, by temporary appointments, which you will find mentioned in the second column of the list. These appointments will expire with your present session, and indeed ought not to endure longer than until others can be regularly made. For that purpose, I now nominate to you the persons named in the third column of the list, as being, in my opinion, qualified to fill the offices opposite to their names in the first.

Go. WASHINGTON.

A list of vacancies and appointments which have taken place in the national offices, during the late recess of the Senate, and of persons nominated for them by the President of the United States, on the 8th day of February, 1790.

<i>Resignations.</i>	<i>Temporary appointments.</i>	<i>Nominations.</i>
Robert H. Harrison, one of the Associate Judges of the Supreme Court,	- - -	James Iredell, of North Carolina.
Thomas Johnson, District Judge of Maryland,	William Paca,	William Paca.
Edmund Pendleton, Dist. Judge of Virginia,	Cyrus Griffin,	Cyrus Griffin.
John Marshall, Attorney for the District of Virginia,	W. Nelson, Jun.	William Nelson, Jun.
Thomas Pinckney, Dist. Judge of South Carolina,	W. Drayton,	William Drayton.
George Handley, Collector of the port of Brunswick in Georgia,	- -	Christopher Hillary.
Peyton Short, Collector of the port of Louisville in Kentucky,	- - -	Richard Taylor.
Asher Miller, Surveyor of the port of Middletown in Connecticut,	- - -	Comfort Sage.

Go. WASHINGTON.

Ordered, That the consideration of the message from the President of the United States, in respect to the "difference that subsists between Great Britain and the United States, relative to the eastern boundary," be postponed for consideration.

Ordered, That the consideration of the message from the President of the United States, relative to "certain persons who decline the acceptance

of offices, and to certain temporary appointments during the recess," be postponed until to-morrow.

Ordered, That the rules be so far dispensed with, as to proceed to consider the message from the President of the United States, and the nominations of Collectors, &c. for the State of North Carolina; and,

On the question to advise and consent to the appointment of James Read, to be Collector of the port of Wilmington, it passed in the affirmative.

On the question to advise and consent to the appointment of John Walker, to be Naval Officer of the port of Wilmington, it passed in the affirmative.

On the question to advise and consent to the appointment of Thomas Callender, to be Surveyor of the port of Wilmington, it passed in the affirmative.

On the question to advise and consent to the appointment of John Daves, to be Collector of the port of Newbern, it passed in the affirmative.

On the question to advise and consent to the appointment of John Easton, to be Surveyor of the port of Beaufort, it passed in the affirmative.

On the question to advise and consent to the appointment of Nathan Keais, to be Collector of the port of Washington, it passed in the affirmative.

On the question to advise and consent to the appointment of Thomas Benbury, to be Collector of the port of Edenton, it passed in the affirmative.

On the question to advise and consent to the appointment of Joshua Skinner, Junior, (son of William,) to be Surveyor of the port of Hartford, it passed in the affirmative.

On the question to advise and consent to the appointment of Hardy Murfree, to be Surveyor of the port of Murpheysborough, it passed in the affirmative.

On the question to advise and consent to the appointment of Levi Blount, to be Surveyor of the port of Plymouth, it passed in the affirmative.

On the question to advise and consent to the appointment of Henry Hunter, to be Surveyor of the port of Skewarkey, it passed in the affirmative.

On the question to advise and consent to the appointment of William Wynne, to be Surveyor of the port of Winton, it passed in the affirmative.

On the question to advise and consent to the appointment of John Baker, to be Surveyor of the port of Bennits Creek, it passed in the affirmative.

On the question to advise and consent to the appointment of Isaac Gregory, to be Collector of the port of Plankbridge, on Sawyer's Creek, it passed in the affirmative.

On the question to advise and consent to the appointment of Hugh Knox, to be Surveyor of the port of Nixinton, it passed in the affirmative.

On the question to advise and consent to the appointment of Thomas Williams, to be Surveyor of the port of Indiantown, it passed in the affirmative.

On the question to advise and consent to the appointment of Edmund Sawyer to be Surveyor of the port of Pasquotank River bridge, it passed in the affirmative.

On the question to advise and consent to the appointment of Elias Alberston, to be Surveyor of the port of Newbiggen Creek, it passed in the affirmative.

And a certified copy, as usual, of the advice and consent of the Senate, was laid before the President of the United States.

Ordered, That the nomination of Samuel Shaw to fill the office of Consul of the United States of America, at Canton, in China, be postponed until to-morrow.

WEDNESDAY, FEBRUARY 10, 1790.

The Senate proceeded to consider the nominations made by the President of the United States, in his messages of the 9th instant; and,

On the question to advise and consent to the appointment of Samuel Shaw, to fill the office of Consul of the United States of America, at Canton, in China, it passed in the affirmative.

On the question to advise and consent to the appointment of James Iredell, to be one of the Associate Judges of the Supreme Court, it passed in the affirmative.

On the question to advise and consent to the appointment of William Paca, to be District Judge of Maryland, it passed in the affirmative.

On the question to advise and consent to the appointment of Cyrus Griffin, to be District Judge of Virginia, it passed in the affirmative.

On the question to advise and consent to the appointment of William Nelson Jr. to be Attorney for the district of Virginia, it passed in the affirmative.

On the question to advise and consent to the appointment of William Drayton, to be District Judge of South Carolina, it passed in the affirmative.

On the question to advise and consent to the appointment of Christopher Hillary, to be Collector of the port of Brunswick, in Georgia, it passed in the affirmative.

On the question to advise and consent to the appointment of Richard Taylor, to be Collector of the port of Louisville, in Kentucky, it passed in the affirmative.

On the question to advise and consent to the appointment of Comfort Sage, to be Surveyor of the port of Middletown, in Connecticut, it passed in the affirmative.

And a certified copy, as usual, of the advice and consent of the Senate, was laid before the President of the United States.

The Senate proceeded to consider the message from the President of the United States, of the 9th instant, in respect to "the difference that subsists between Great Britain and the United States, relative to the Eastern boundary;" and

Ordered, That the message, with the papers accompanying the same, be committed to Mr. Strong, Mr. Butler, Mr. Patterson, Mr. Hawkins, and Mr. Johnson, to report what is proper to be done thereon.

THURSDAY, FEBRUARY 18, 1790.

A message from the President of the United States, by his Secretary, was read.

UNITED STATES, *February 18th, 1790.*

Gentlemen of the Senate:

By the mail of last evening I received a letter from his excellency John Hancock, Governor of the Commonwealth of Massachusetts, enclosing a resolve of the Senate and House of Representatives of that Commonwealth, and sundry documents relative to the eastern boundary of the United States.

I have directed a copy of the letter and resolve to be laid before you. The documents which accompanied them, being but copies of some of the

papers which were delivered to you with my communication of the ninth of this month, I have thought it unnecessary to lay them before you at this time. They will be deposited in the office of the Secretary of State, together with the originals of the above-mentioned letters and resolve.

Go. WASHINGTON.

Ordered, That the message and papers accompanying the same, be committed to the Committee appointed the 10th of February, to take into consideration the President's message of a similar nature.

TUESDAY, MARCH 9, 1790.

Mr. Strong reported, on behalf of the Committee to whom were referred the messages from the President of the United States, of the 9th and 18th of February, respecting the "difference that subsists between Great Britain and the United States, relative to the eastern boundary;" which report was read; and

Ordered, That it lie until to-morrow.

WEDNESDAY, MARCH 10, 1790.

Agreeably to the order of the day, the Senate proceeded to consider the report of the Committee to whom were referred the messages from the President of the United States, of the 9th and 18th of February, respecting the "difference that subsists between Great Britain and the United States, relative to the eastern boundary;" which is as follows:

That, in their opinion, effectual measures should be taken, as soon as conveniently may be, to settle all disputes with the crown of Great Britain relative to that line.

That it would be proper to cause a representation of the case to be made to the Court of Great Britain, and to propose that Commissioners be appointed to hear and finally decide those disputes, in the manner pointed out in the report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1785, a copy of which report accompanied the first of the said messages.

And that measures should be taken to perpetuate the testimonies of John Mitchell and Nathan Jones, who were appointed by the late Governor Barnard, in 1764, to ascertain the river St. Croix.

Ordered, That the further consideration hereof be postponed.

The Senate agreed to advise and consent that the President of the United States should direct the word "Junior" to be annexed to the name of Jonathan Palmer, appointed Surveyor of Stonington, in the State of Connecticut, August 3d, 1789.

MONDAY, MARCH 15, 1790.

On motion, the Senate proceeded to consider the report of the Committee appointed upon the President's messages of the 9th and 18th of February, respecting the "difference that subsists between Great Britain and the United States, relative to the eastern boundary."

Ordered, That the consideration hereof be farther postponed.

WEDNESDAY, MARCH 24, 1790.

The Senate proceeded in the farther consideration of the report of the Committee to whom were referred the messages from the President of the United States, of the 9th and 18th of February, 1790, respecting the "difference that subsists between Great Britain and the United States, relative to the eastern boundary;" which being amended, was accepted.

Whereupon, resolved, That the Senate do advise that effectual measures should be taken, as soon as conveniently may be, to settle all disputes with the crown of Great Britain relative to that line.

That it would be proper to cause a representation of the case to be made to the Court of Great Britain; and if the said disputes cannot be otherwise amicably adjusted, to propose that Commissioners be appointed to hear and finally decide those disputes, in the manner pointed out in the report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1785, a copy of which report accompanied the first of the said messages.

And that measures should be taken to perpetuate the testimony of John Mitchel and Nathan Jones, who were appointed by the late Governor Barnard, in 1764, to ascertain the river St. Croix, and of any other persons who may have useful information on this subject.

Ordered, That a copy of this resolve be laid before the President of the United States, and the original papers returned to the office of the Secretary of State.

TUESDAY, MARCH 30, 1790.

A message from the President of the United States, by his Secretary, was read.

UNITED STATES, March 30th, 1790.

Gentlemen of the Senate:

I nominate the following persons to fill the offices which are affixed to their respective names, viz:

Rufus Putnam, to be one of the Judges in the Western Territory, in the place of Samuel Holden Parsons, deceased.

James Brown, to be Attorney for the United States in the district of Kentucky, in the place of George Nicholas, who has declined his appointment.

Henry Bogart, (of Albany,) to be the Surveyor of the port of Albany, in the place of Jeremiah Lansingh, who has resigned his office.

Go. WASHINGTON.

WEDNESDAY, MARCH 31, 1790.

The Senate proceeded to the consideration of the message from the President of the United States, of the 30th of March, nominating

Rufus Putnam, to be one of the Judges in the Western Territory, in the place of Samuel Holden Parsons, deceased.

James Brown, to be Attorney for the United States in the district of Kentucky, in the place of George Nicholas, who has declined his appointment; and

Henry Bogart, (of Albany,) to be Surveyor of the port of Albany, in the place of Jeremiah Lansingh, who has resigned his office.

Resolved, That the Senate do advise and consent to their appointment to the offices to which they are respectively nominated.

And a certified copy, as usual, of the above resolve, was laid before the President of the United States.

WEDNESDAY, APRIL 28, 1790.

A message from the President of the United States, by Mr. Nelson, was read.

UNITED STATES, April 28th, 1790.

Gentlemen of the Senate:

I nominate George Wray, to be Collector of the port of Hampton, in the State of Virginia, in the place of Jacob Wray, resigned. Also,

John McCollough, to be Surveyor of the port of Swansborough, in the district of Wilmington; and

William Benson, to be Surveyor of the port of Windsor, in the district of Edenton; both in the State of North Carolina.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

THURSDAY, APRIL 29, 1790.

The Senate proceeded to the consideration of the message from the President of the United States, of the 28th of April, nominating

For the State of Virginia.

George Wray,	For the District of Collector,	For the port of Hampton.
	- -	

For the State of North Carolina.

John McCollough,	Surveyor, Wilmington,	Swansborough;
William Benson,	Surveyor, Edenton,	Windsor; and

Resolved, That the Senate do advise and consent to their appointment to the offices to which they are respectively nominated.

And a certified copy, as usual, of the above resolve, was laid before the President of the United States.

TUESDAY, MAY 25, 1790.

A message from the President of the United States, by his Secretary, was read.

UNITED STATES, May 25th, 1790.

Gentlemen of the Senate:

I nominate the following persons to fill the offices affixed to their names, viz:

Samuel Jasper, to be Surveyor of the port of Currituck Inlet, in the State of North Carolina.

Nathaniel Wilkins, to be Collector of the port of Cherrystone, in the State of Virginia, in the place of George Savage, who has resigned.

Henry Deering, to be Collector of the port of Sagg Harbor, in the State of New York, in the place of John Gelston, who has resigned.

Thomas Davis Freeman, to be Surveyor of the port of Plymouth, in the State of North Carolina, in the place of Levi Blount, who has resigned.

Benjamin Bartlett, to be Surveyor of the port of Suffolk, in the State of Virginia, in the place of Archibald Richardson, who has resigned.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

WEDNESDAY, MAY 26, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 25th May; and

Resolved, That they do advise and consent to the appointment of

Samuel Jasper, to be Surveyor of the port of Currituck Inlet, State of North Carolina.

Henry Deering, to be Collector of the port of Sagg Harbor, State of New York, in the place of John Gelston, who has resigned.

Thomas Davis Freeman, to be Surveyor of the port of Plymouth, State of North Carolina, in the place of Levi Blount, who has resigned.

Ordered, That the nomination of Nathaniel Wilkins, and of Benjamin Bartlett, be postponed.

And a certified copy, as usual, of the above resolve, was laid before the President of the United States.

THURSDAY, MAY 27, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 25th of May; and

Resolved, That they do advise and consent to the appointment of Nathaniel Wilkins, to be Collector of the port of Cherrystone, State of Virginia, in the place of George Savage, who has resigned.

Benjamin Bartlett, to be Surveyor of the port of Suffolk, State of Virginia, in the place of Archibald Richardson, who has resigned.

And a certified copy, as usual, of the above resolve, was laid before the President of the United States.

TUESDAY, JUNE 1, 1790.

A message from the President of the United States, by his Secretary, was read.

UNITED STATES, May 31st, 1790.

Gentlemen of the Senate:

Mr. de Poiery served in the American army for several of the last years of the late war, as Secretary to Major General the Marquis de Lafayette, and might probably at that time have obtained the commission of Captain from Congress, upon application to that body. At present, he is an officer in the French National Guards, and solicits a Brevet Commission from the

United States of America. I am authorized to add, that, while the compliance will involve no expense on our part, it will be particularly grateful to that friend of America, the Marquis de Lafayette.

I therefore nominate M. de Poiery to be a Captain by Brevet.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

WEDNESDAY, JUNE 2, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 31st of May, and the nomination of M. de Poiery to be a Captain by Brevet, in the service of the United States; and

Resolved, That the Senate do advise and consent to his appointment.

Ordered, That the Secretary communicate, as usual, to the President of the United States, the proceedings of Senate hereupon.

A message from the President of the United States, by his Secretary, was read.

UNITED STATES, June 2d, 1790.

Gentlemen of the Senate:

The troops at present in service, consisting of one regiment of Infantry and one battalion of Artillery, were apportioned, by the acts of the former Congress, on the States of Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania; and as the officers of said troops are in actual service, I nominate them, as in the list hereunto annexed, according to their ranks, respectively, for appointments under the act for regulating the Military establishment of the United States, passed the 30th of April, 1790; and as the said act requires an additional number of officers for one battalion of Infantry, I nominate, under the head of "NEW APPOINTMENTS," in the annexed list, the officers for the same, from Maryland, Virginia, North Carolina, and Georgia; it being proposed to raise the said battalion in those States.

Go. WASHINGTON.

INFANTRY.—*Officers in Service.*

RANK.	NAMES.	STATES.
Lt. Col. Com.	Josiah Harmar, { Brig. Gen. by Bvt. 31st July, 1787.	Pennsylvania.
Majors	John Palsgrave Wyllys John F. Hamtramck	Connecticut. New York.
Captains	1 David Zeigler 2 Jonathan Heart 3 David Strong 4 William McCurdy 5 John Mercer 6 John Smith 7 Joseph Ashton 8 Erkuries Beatty	Pennsylvania. Connecticut. do. Pennsylvania. New Jersey. New York. Pennsylvania. do.

RANK.	NAMES.	STATES.
Lieutenants	1 Thomas Doyle 2 John Armstrong 3 Ebenezer Frothingham 4 John Pratt 5 William Kersey 6 William Peters 7 Jacob Kingsbury 8 Ebenezer Denny	Pennsylvania. do. Connecticut. do. New Jersey. New York. Connecticut. Pennsylvania.
Ensigns -	1 Cornelius R. Sedam 2 Nathan McDowell 3 John Jeffers 4 Abner Pryor 5 Asa Hartshorne 6 Robert Thomson 7 Jacob Melcher 8 John Morgan, vice Francis Luse, resigned 1st May, 1790	New Jersey. Pennsylvania. Connecticut. New York. Connecticut. Pennsylvania. do. New Jersey.
Surgeon Mates -	Richard Allison John Elliott John M. Scott	Pennsylvania. New York. New Jersey.

New Appointments.

RANK.	NAMES.	STATES.
Major Captains	Alexander Parker 1 Alexander Trueman 2 Joseph Monfort 3 Michael Rudolph 4 Ballard Smith	Virginia. Maryland. North Carolina. Georgia. Virginia.
Lieutenants	1 Thomas Martin 2 Thomas Pasteur 3 Mark McPherson 4 John Steel	Georgia. North Carolina. Maryland. Virginia.
Ensigns	1 Richard Archer 2 Thomson Seayres 3 Ezekiel Polke 4 James Clay	do. do. North Carolina. Georgia.

Officers who served in the late war.

ARTILLERY.—Officers in Service.

RANK.	NAMES.	STATES.
Major Com'dt. Captains	John Doughty 1 William Ferguson 2 James Bradford	New Jersey. Pennsylvania. New York.

RANK.	NAMES.	STATES.
Captains	3 Henry Burbeck 4 Joseph Savage	Massachusetts. do.
Lieutenants	1 Mahlon Ford 2 Derick Schuyler 3 John Pierce 4 Moses Porter 5 William Moor 6 Mathew Ernest 7 Ebenezer Smith Fowle 8 Edward Spear	New Jersey. New York. Massachusetts. do. do. New York. Massachusetts. Pennsylvania. Massachusetts.
Surgeons' Mate	Nathan Hayward	

Go. WASHINGTON.

Ordered, That the message lie for consideration until to-morrow.

THURSDAY, JUNE 3, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 2d of June, and the nominations therein contained; and

Resolved, That the Senate do advise and consent to their appointments.

Ordered, That the Secretary communicate, as usual, to the President of the United States, the proceedings of Senate hereupon.

FRIDAY, JUNE 4, 1790.

A message from the President of the United States, by Mr. Lear, his Secretary, was read, as follows:

UNITED STATES, June 4th, 1790.

Gentlemen of the Senate:

I nominate the following persons to be Consuls and Vice-Consuls of the United States of America, for the ports which are affixed to their names, viz.

CADIZ.—Richard Harrison, of Virginia, to be Consul of the United States of America, for the port of Cadiz, in the kingdom of Spain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

BILBOA.—Edward Church, of Massachusetts, to be Consul of the United States of America, for the port of Bilboa, in the kingdom of Spain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, in the said kingdom.

MADEIRA.—John Marsden Pintard, of New York, to be Consul of the United States of America, for the Island of Madeira, and such other Islands of the allegiance of her most faithful Majesty, as are nearer to the

same than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

LIVERPOOL.—James Maury, of Virginia, to be Consul of the United States of America, for the port of Liverpool, in the kingdom of Great Britain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

COWES.—Thomas Auldjo, of the kingdom of Great Britain, to be Vice-Consul of the United States of America, for the port of Cowes, and such parts of the same kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the said kingdom.

DUBLIN.—William Knox, of New York, to be Consul of the United States of America, for the port of Dublin, in the kingdom of Ireland, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

MARSEILLES.—The Sieur Etienne Cathalan, the younger, of the kingdom of France, Vice-Consul of the United States of America, for the port of Marseilles, and for such parts of the same kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same kingdom.

BORDEAUX.—James Fenwick, of Maryland, to be Consul of the United States of America for the port of Bordeaux, in the kingdom of France, and for such parts of the same kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the same kingdom.

NANTES.—Burrell Carnes, of Massachusetts, to be Consul of the United States of America, for the port of Nantes, in the kingdom of France, and for such parts of the said kingdom as are nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the same kingdom.

HAVRE.—The Sieur de La Motte, of the kingdom of France, to be Vice-Consul of the United States of America, for the port of Havre de Grace, and such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same kingdom.

ROUEN.—Nathaniel Barrett, of Massachusetts, to be Consul of the United States of America, for the port of Rouen, in the kingdom of France, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

HISPANIOLA.—Sylvanus Bourne, of Massachusetts, to be Consul of the United States of America, for the Island of Hispaniola, and for such other islands of the allegiance of his most Christian Majesty as shall be nearer thereto than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

MARTINIQUE.—Fulwar Skipwith, of Virginia, to be Consul of the United States of America, for the Island of Martinique, and for such other islands and places of the allegiance of his most Christian Majesty, as shall be nearer thereto than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

HAMBURGH.—John Parish, merchant, of Hamburg, to be Vice-Consul of the United States of America, for Hamburg.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

MONDAY, JUNE 7, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 4th of June; and

Resolved, That they do advise and consent to the appointment of—
CADIZ. Richard Harrison, of Virginia, to be Consul of the United States of America, for the port of Cadiz, in the kingdom of Spain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

MADEIRA.—John Marsden Pintard, of New York, to be Consul of the United States of America for the Island of Madeira, and such other islands of the allegiance of her most Faithful Majesty, as are nearer to the same than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

LIVERPOOL.—James Maury, of Virginia, to be Consul of the United States of America for the port of Liverpool, in the kingdom of Great Britain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

DUBLIN.—William Knox, of New York, to be Consul of the United States of America for the port of Dublin, in the kingdom of Ireland, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

BORDEAUX.—James Fenwick, of Maryland, to be Consul of the United States of America for the port of Bordeaux, in the kingdom of France, and for such parts of the same kingdom as shall be nearer to the said port, than to the residence of any other Consul or Vice-Consul of the United States in the same kingdom.

NANTES.—Burrell Carnes, of Massachusetts, to be Consul of the United States of America for the port of Nantes, in the kingdom of France, and for such parts of the said kingdom as are nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the same kingdom.

ROUEN.—Nathaniel Barrett, of Massachusetts, to be Consul of the United States of America for the port of Rouen, in the kingdom of France, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

HISPAANIOLA.—Sylvanus Bourne, of Massachusetts, to be Consul of the United States of America for the Island of Hispaniola, and for such other islands of the allegiance of his most Christian Majesty, as shall be nearer thereto than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance. And, of

Fulwar Skipwith, of Virginia, to be Consul of the United States of America for the Island of Martinique, and for such other Islands and places

MARTINIQUE. of the allegiance of his most Christian Majesty, as shall be nearer thereto than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

Ordered, That the nominations of Edward Church, Thomas Auldjo, the Sieur Etienne Cathalan, the younger, the Sieur de La Motte, and John Parish, be postponed.

Ordered, That the Secretary, as usual, lay before the President of the United States, an attested copy of the resolutions of Senate upon his message of the 4th of June, 1790.

A message from the President of the United States, by Mr. Lear, his Secretary, was read, as follows:

UNITED STATES, June 7th, 1790.

Gentlemen of the Senate:

In pursuance of the law lately passed for giving effect to an act entitled "An act to establish the Judicial Courts of the United States," within the State of North Carolina, I nominate the following persons to fill the judicial offices in that district—viz.

William R. Davie, to be Judge;

John Sitgreaves, to be Attorney; and

John Skinner, to be Marshal of the district of North Carolina.

I likewise nominate the following persons to fill offices established by law within the Territory of the United States South of the River Ohio.—viz:—

William Blount, to be Governor;

David Campbell and } to be Judges; and
John M'Nairy }

Daniel Smith, to be Secretary of the Territory of the United States south of the River Ohio.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

TUESDAY, JUNE 8, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 7th of June, and the nominations therein contained; and

Resolved, That they do advise and consent to their appointment.

Ordered, That the Secretary lay before the President of the United States an attested copy of the resolution of Senate upon his message of the 7th of June, 1790.

FRIDAY, JUNE 11, 1790.

A message from the President of the United States, by Mr. Lear, his Secretary, was read, as follows:

UNITED STATES, June 11th, 1790.

Gentlemen of the Senate:

I nominate Thomas Bee, to be Judge of the South Carolina district, in the place of William Drayton, deceased.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

MONDAY, JUNE 14, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 11th of June; and

Resolved, That they do advise and consent to the appointment of Thomas Bee, to be Judge of the South Carolina district, in the place of William Drayton, deceased.

Ordered, That the Secretary lay before the President of the United States, an attested copy of the resolution of Senate upon his message of the 11th of June, 1790.

A message from the President of the United States, by Mr. Lear, his Secretary, was read, as follows:

UNITED STATES, June 14th, 1790.

Gentlemen of the Senate:

I nominate the following persons to be Collectors, Naval Officers, and Surveyors of the ports of Newport and Providence, in the State of Rhode Island and Providence Plantations, viz:

William Ellery, to be Collector,
Robert Crooke, to be Naval Officer,

Daniel Lyman, to be Surveyor,

Jeremiah Olney, to be Collector,

Theodore Foster, to be Naval Officer,

William Barton, to be Surveyor,

} of Newport.

} of Providence.

Go. WASHINGTON.

Ordered, That the rules be so far dispensed with, as that the Senate proceed to the consideration of the message from the President of the United States, of this day. Whereupon,

Resolved, That the Senate do advise and consent to the appointment of the persons therein named, to the offices to which they are respectively nominated.

Ordered, That the Secretary lay before the President of the United States the proceedings of Senate upon this message.

THURSDAY, JUNE 17, 1790.

The Senate resumed the consideration of the message from the President of the United States, of the 4th of June; and, on motion that it be

Resolved, That it may be expedient to advise and consent to the appointment of foreigners to the offices of Consuls or Vice-Consuls for the United States;

A motion was made to postpone this to take up the following:

Resolved, That, in the opinion of Senate, the appointment of Consuls and Vice-Consuls should be confined to citizens of the United States, except in special cases of urgent necessity. It passed in the negative; and,

On the main question, it passed in the affirmative.

Resolved, That the Senate do advise and consent to the appointment of Edward Church, of Massachusetts, to be Consul of the United States of America for the port of Bilboa, in the kingdom of Spain, and for such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the said kingdom.

COWES.—Of Thomas Auldjo, of the kingdom of Great Britain, to be Vice-Consul of the United States of America for the port of Cowes, and such parts of the same kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the said kingdom.

MARSEILLES.—Of the Sieur Etienne Cathalan, the younger, of the kingdom of France, to be Vice-Consul of the United States of America for the port of Marseilles, and for such parts of the same kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same kingdom; and

HAMBURGH. Of John Parish, merchant, of Hamburg, to be Vice-Consul of the United States of America for Hamburg.

Ordered, That the consideration of the nomination of the Sieur de La Motte be postponed.

Ordered, That the Secretary lay before the President of the United States the proceedings of the Senate upon his message of the 4th of June, 1790.

TUESDAY, JUNE 22, 1790,

The Senate resumed the consideration of the message from the President of the United States, of the 4th of June, 1790; and

Resolved, That they do advise and consent to the appointment of the Sieur HAVRÉ. de La Motte, of the kingdom of France, to be Vice-Consul of the United States of America for the port of Havre de Grace, and such parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same kingdom.

Ordered, That the Secretary communicate to the President of the United States the proceedings of Senate upon his message of the 4th of June, 1790.

WEDNESDAY, JUNE 23, 1790.

A message from the President of the United States, by Mr. Lear, his Secretary, was read, as follows:

UNITED STATES, June 23d, 1790.

Gentlemen of the Senate:

In my nomination of persons for Consular appointments, on the 4th of the present month, the name of James, instead of Joseph Fenwick, was, by mistake, laid before you to be Consul for the port of Bordeaux.

Go. WASHINGTON.

Ordered, That the Secretary do correct the record, agreeably to the message from the President of the United States, so as that it stand Joseph instead of "James" Fenwick; and that this order be communicated to the President of the United States.

FRIDAY, JULY 2, 1790.

A message from the President of the United States, by his private Secretary, was read, as follows;

UNITED STATES, July 2d, 1790.

Gentlemen of the Senate:

I nominate
 Henry Marchant, to be Judge;
 William Channing, to be Attorney; and
 William Peck, to be Marshal of the Judicial Court of the United States
 within the district of Rhode Island and Providence Plantations.

I likewise nominate the following persons to fill offices in the Revenue
 Department of the United States, within the State of Rhode Island and Pro-
 vidence Plantations, viz:

Ebenezer Thompson, to be Naval Officer of the port of Providence, in
 the place of Theodore Foster, who is appointed a Senator of the United
 States.

Daniel Eldridge Updike, to be Surveyor of the port of North Kingstown.
 Job Comstock, to be Surveyor of the port of East Greenwich.
 Nathaniel Phillips, to be Surveyor of the ports of Warren and Barrington.
 Samuel Bozworth, to be Surveyor of the port of Bristol.
 George Stillman, to be Surveyor of the port of Pawcatuck river.
 John Anthony Aborn, to be Surveyor of the port of Patuxet.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

SATURDAY, JULY 3, 1790.

The Senate proceeded to consider the message from the President of the
 United States, of the 2d of July, 1790, and the nominations therein con-
 tained; and

Resolved, That they do advise and consent to the appointment of the per-
 sons therein mentioned, to the offices to which they are respectively nomi-
 nated, except of Daniel Eldridge Updike, postponed for want of informa-
 tion.

Ordered, That the Secretary communicate to the President of the United
 States, the proceedings of Senate upon his message of the 2d of July, 1790.

MONDAY, AUGUST 2, 1790.

A message from the President of the United States, by his Private Secre-
 tary, was read, as follows:

UNITED STATES, August 2d, 1790.

Gentlemen of the Senate:

I nominate the following persons to fill the offices affixed to their names,
 viz:

In the Judicial Department.

William Peery, of the State of Delaware, to be one of the Judges in the
 Territory of the United States south of the river Ohio;

John Stokes, to be Judge of the North Carolina district, in place of Wil-
 liam R. Davie, who has declined his appointment.

In the Revenue Department.

Samuel Russell Gerry, to be Collector of the port of Marblehead, in the
 State of Massachusetts, in place of Richard Harris, deceased.

Zachariah Rhodes, to be Surveyor of the port of Patuxet, in the State of Rhode Island, in place of John Anthony Aborn, who has declined his appointment.

Thomas Arnold, to be Surveyor of the port of East Greenwich, in the State of Rhode Island, in place of Job Comstock, who has declined his appointment.

In the Consulate Department.

Joshua Johnson, of Maryland, to be Consul of the United States of America for the port of London, in the kingdom of Great Britain, and for such other parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States in the same kingdom.

Francisco Sarmento, of the kingdom of Spain, to be Vice-Consul of the United States of America for the Island of Teneriffe, and for such other of the Canary Islands as shall be nearer to Teneriffe than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

John Street, of the Island of Fayal, to be Vice-Consul of the United States of America for the said Island of Fayal, and for such other of the Azores or Western Islands as shall be nearer to Fayal than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

Ebenezer Brush, of New York, to be Consul of the United States of America for the port of Surinam, and for such other parts of the Colony of Guiana as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

TUESDAY, AUGUST 3, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 2d of August, 1790; and

Resolved, That they do advise and consent to the appointment of William Peery, of the State of Delaware, to be one of the Judges in the Territory of the United States, south of the river Ohio.

John Stokes, to be Judge of the North Carolina district, in place of William R. Davie, who has declined his appointment.

Samuel Russell Gerry, to be Collector of the port of Marblehead, in the State of Massachusetts, in place of Richard Harris, deceased.

Zachariah Rhodes, to be Surveyor of the port of Patuxet, in the State of Rhode Island, in place of John Anthony Aborn, who has declined his appointment.

Thomas Arnold, to be Surveyor of the port of East Greenwich, in the State of Rhode Island, in place of Job Comstock, who has declined his appointment; and of Joshua Johnson, of Maryland, to be Consul of the United States of America, for the port of London, in the kingdom of Great Britain, and for such other parts of the said kingdom, as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, in the same kingdom.

Ordered, That the nomination of Francisco Sarmento, John Street, and Ebenezer Brush, be postponed.

The Senate resumed the consideration of the message from the President of the United States, of the 2d of July, 1790; and

Resolved, That they do advise and consent to the appointment of Daniel Eldridge Updike, to be Surveyor of the port of North Kingston, in the State of Rhode Island.

Ordered, That the Secretary communicate to the President of the United States the proceedings of Senate upon his message of the 2d of July, and 2d of August, 1790.

WEDNESDAY, AUGUST 4, 1790.

A message from the President of the United States, by his Private Secretary, was read, as follows:

UNITED STATES, *August 4th, 1790.*

Gentlemen of the Senate:

In consequence of the general principles agreed to by the Senate in August, 1789, the adjustment of the terms of a treaty is far advanced between the United States and the chiefs of the Creek Indians now in this city, in behalf of themselves and the whole Creek nation.

In preparing the articles of this treaty, the present arrangements of the trade with the Creeks have caused much embarrassment. It seems to be well ascertained that the said trade is almost exclusively in the hands of a company of British merchants, who, by agreement, make their importations of goods from England into the Spanish ports.

As the trade of the Indians is a main mean of their political management, it is therefore obvious, that the United States cannot possess any security for the performance of treaties with the Creeks, while their trade is liable to be interrupted, or withheld, at the caprice of two foreign powers.

Hence it becomes an object of real importance to form new channels for the commerce of the Creeks through the United States. But this operation will require time; as the present arrangements cannot be suddenly broken without the greatest violation of faith and morals.

It therefore appears to be important to form a secret article of a treaty, similar to the one which accompanies this message.

If the Senate should require any further explanation, the Secretary of War will attend them for that purpose.

Go. WASHINGTON.

The President of the United States states the following question for the consideration and advice of the Senate: If it should be found essential to a treaty for the firm establishment of peace with the Creek nation of Indians, that an article to the following effect should be inserted therein, will such an article be proper? viz:

Secret Article.

The commerce necessary for the Creek nation shall be carried on through the ports, and by the citizens of the United States, if substantial and effectual arrangements shall be made for that purpose by the United States, on or before the first day of August, one thousand seven hundred and ninety-two. In the mean time, the said commerce may be carried on through its present channels, and according to its present regulations.

And whereas, the trade of the said Creek nation is now carried on wholly, or principally, through the territories of Spain, and obstructions thereto may happen by war or prohibitions of the Spanish government: it is therefore agreed between the said parties, that in the event of any such obstructions happening, it shall be lawful for such persons as shall designate, to introduce into, and transport through the territories of the United States to the country of the said Creek nation, any quantity of goods, wares, and merchandise, not exceeding in value, in any one year, sixty thousand dollars, and that free from any duties or impositions whatsoever, but subject to such regulations for guarding against abuse, as the United States shall judge necessary; which privilege shall continue as long as such obstruction shall continue.

Go. WASHINGTON.

UNITED STATES, August 4th, 1790.

The Senate proceeded to consider the message from the President of the United States, of this day; whereupon,

Resolved, That the Senate do advise and consent to the execution of the secret article referred to in the message, and that the blank in said article be filled with the words "the President of the United States."

Ordered, That the Secretary, as usual, communicate this resolution to the President of the United States.

THURSDAY, AUGUST 5, 1790.

The Senate resumed the consideration of the message from the President of the United States, of the 2d of August, 1790; and

Resolved, That they do advise and consent to the appointment of John Street, of the Island of Fayal, to be Vice-Consul of the United States of America for the said Island of Fayal, and for such other of the Azores or Western Islands as shall be nearer to Fayal than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance; and of

Ebenezer Brush, of New York, to be Consul of the United States of America for the port of Surinam, and for such other parts of the Colony of Guiana, as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

And on the question to advise and consent to the appointment of Francisco Sarmento, of the kingdom of Spain, to be Vice-Consul of the United States of America for the Island of Teneriffe, and for such other of the Canary Islands as shall be nearer to Teneriffe than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance; it passed in the negative.

Ordered, That the Secretary communicate to the President of the United States the proceedings of Senate of this day, upon his message of 2d of August, 1790.

FRIDAY, AUGUST 6, 1790.

A message from the President of the United States, by his private Secretary, was read, as follows:

Gentlemen of the Senate:

UNITED STATES, August 6th, 1790.

Considering the circumstances which prevented the late Commissioners from concluding a peace with the Creek nation of Indians, it appeared to

me most prudent that all subsequent measures for disposing them to a treaty, should, in the first instance, be informal.

I informed you on the 4th instant, that the adjustment of the terms of a treaty with their chiefs, now here, was far advanced. Such further progress has since been made, that I think measures may at present be taken for conducting and concluding that business in form. It therefore becomes necessary that a proper person be appointed and authorized to treat with these chiefs, and to conclude a treaty with them. For this purpose I nominate to you Henry Knox.

Go. WASHINGTON.

The Senate agreed to dispense with the rule, so far as to take into consideration the above recited message at this time.

Resolved, That they do advise and consent to the appointment of Henry Knox, agreeably to the nomination therein contained.

Ordered, That the Secretary communicate this resolution of Senate to the President of the United States.

A message from the President of the United States, by his Private Secretary, was read, as follows:

UNITED STATES, August 6th, 1790.

Gentlemen of the Senate:

I nominate the following persons to be Commissioners of Loans, in the States to which their names are respectively affixed, viz:

In the State of New Hampshire

Nathaniel Gilman.

Massachusetts,

Nathaniel Appleton.

Rhode Island,

William Imlay.

Connecticut,

John Cochran.

New York,

James Ewing.

New Jersey,

Thomas Smith.

Pennsylvania,

James Tilton.

Delaware,

Thomas Harwood.

Maryland,

John Hopkins.

Virginia,

William Skinner.

North Carolina,

John Neufville.

South Carolina,

Richard Wyllie.

Georgia;

Go. WASHINGTON.

Ordered, To lie for consideration.

SATURDAY, AUGUST 7, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 6th of August, and the nominations of Commissioners of Loans therein contained; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations therein contained.

A written message from the President of the United States, was communicated to the Senate by his Secretary, which he delivered to the Vice-President, and he withdrew.

UNITED STATES, August 7th, 1790.

Gentlemen of the Senate:

I nominate Jabez Bowen to be Commissioner of Loans, in the State of Rhode Island and Providence Plantations; and

Daniel Benezet, Jr. to be Collector of the port of Great Egg Harbor, in the State of New Jersey.

Go. WASHINGTON.

It was agreed so far to dispense with the rule, as to consider the message from the President of the United States, of the 7th of August, at this time; and

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations therein contained.

Ordered, That the Secretary communicate to the President of the United States, their proceedings on his message of the 6th and 7th of August, 1790.

A written message from the President of the United States was communicated to the Senate, by the Secretary at War; which he delivered to the Vice-President, and he withdrew.

—UNITED STATES, August 7th, 1790.

Gentlemen of the Senate:

I lay before you a treaty between the United States and the chiefs of the Creek nation, now in this city, in behalf of themselves and the whole Creek nation, subject to the ratification of the President of the United States, with the advice and consent of the Senate.

While I flatter myself that this treaty will be productive of present peace and prosperity to our southern frontier, it is to be expected that it will also, in its consequences, be the means of firmly attaching the Greeks and the neighboring tribes to the interests of the United States.

At the same time it is to be hoped that it will afford solid grounds of satisfaction to the State of Georgia, as it contains a regular, full, and definitive relinquishment, on the part of the Creek nation, of the Oconee land, in the utmost extent in which it has been claimed by that State, and thus extinguishes the principal cause of those hostilities from which it has more than once experienced such severe calamities.

But although the most valuable of the disputed land is included, yet there is a certain claim of Georgia, arising out of the treaty, made by that State at Galphinston, in November, 1785, of land to the eastward of a new temporary line from the forks of the Oconee and Oakmulgee in a southwest direction, to the St. Mary's river, which tract of land the Greeks, in this city, absolutely refuse to yield.

This land is reported to be generally barren, sunken, and unfit for cultivation, except in some instances on the margin of the rivers, on which, by improvement, rice might be cultivated—its chief value depending on the timber fit for the building of ships, with which it is represented as abounding.

While it is thus circumstanced, on the one hand, it is stated by the Greeks on the other to be of the highest importance to them, as constituting some of their most valuable winter hunting ground.

I have directed the Commissioner, to whom the charge of adjusting this treaty has been committed, to lay before you such papers and documents, and to communicate to you such information relatively to it, as you may require.

Go. WASHINGTON.

Ordered, That the message, with the treaties therein referred to, be read, and that they lie for consideration.

MONDAY, AUGUST 9, 1790.

A written message from the President of the United States was communicated to the Senate by his Secretary, which he delivered to the Vice-President, and he withdrew.

UNITED STATES, *August 9th, 1790.*

Gentlemen of the Senate:

I nominate William Irvine, of the State of Pennsylvania, John Taylor Gilman, of the State of New Hampshire, and John Kean, of the State of South Carolina, to be Commissioners for settling the accounts between the United States and individual States.

Go. WASHINGTON.

Ordered, That this message lie for consideration.

The Senate resumed the consideration of the message from the President of the United States, of the 7th of August, 1790, and the treaty therein mentioned.

On motion to refer this treaty to a Select Committee, the yeas and nays were required by one-fifth of the Senators present:

Mr. Butler—yea.

Carroll—nay.

Dalton—nay.

Ellsworth—nay.

Few—yea.

Foster—yea.

Gunn—yea.

Hawkins—nay.

Henry—yea.

Mr. Johnston—yea.

Izard—nay.

King—nay.

Lee—yea.

Morris—yea.

Paterson—nay.

Read—nay.

Stanton—nay.

Wingate—nay.

Nays, 10, } And it passed in the negative.

Yeas, 8. }

On motion, “That, on the final question, when the advice and consent of the Senate is requested, any member shall have a right to enter his protest or dissent on the journal, with reasons in support of such dissent; provided the same be offered within two days after the determination on such final question:”

The yeas and nays were required by one-fifth of the Senators present:

Mr. Butler—yea.

Carroll—nay.

Dalton—nay.

Ellsworth—nay.

Few—nay.

Foster—nay.

Gunn—yea.

Hawkins—nay.

Henry—nay.

Johnston—nay.

Mr. Izard—yea.

King—nay.

Lee—yea.

Morris—nay.

Paterson—nay.

Read—nay.

Schuyler—nay.

Stanton—nay.

Wingate—nay.

Nays, 15, } And it passed in the negative.

Yeas, 4. }

Ordered, That the further consideration of this message, and the treaty entered into with the chiefs of the Creek nation, be postponed.

TUESDAY, AUGUST 10, 1790.

The Senate proceeded to consider the message from the President of the United States, and his nomination of Commissioners to settle the accounts between the United States and the individual States; and

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations therein contained.

A written message from the President of the United States, was, by his Secretary, delivered to the Vice-President, and he withdrew.

UNITED STATES, August 10th, 1790.

Gentlemen of the Senate:

I nominate John C. Jones, the present Collector of the port of Nanjemoy, in the State of Maryland, to be Collector of the district of Cedar Point, when the act to provide more effectually for the collection of duties, &c. shall take effect; and Jeremiah Jordan, to be Surveyor of the port of Llewellsburgh, in the State of Maryland.

Go. WASHINGTON.

It was agreed, by unanimous consent, to proceed to the consideration of the last recited message and nominations; and

Resolved, That the Senate do advise and consent to the appointments, agreeably thereto.

Ordered, That the Secretary communicate to the President of the United States the proceedings on his message and nominations of the 9th and 10th instant.

WEDNESDAY, AUGUST 11, 1790.

A written message from the President of the United States was delivered to the Vice-President, by his Secretary, and he withdrew.

UNITED STATES, August 11th, 1790.

Gentlemen of the Senate:

Although the treaty with the Creeks may be regarded as the main foundation of the future peace and prosperity of the south-western frontier of the United States, yet, in order fully to effect so desirable an object, the treaties which have been entered into with the other tribes in that quarter, must be faithfully performed on our parts.

During the last year, I laid before the Senate a particular statement of the case of the Cherokees. By a reference to that paper it will appear, that the United States formed a treaty with the Cherokees in November, 1785; that the said Cherokees thereby placed themselves under the protection of the United States, and had a boundary assigned them; that the white people settled on the frontiers had openly violated the said boundary, by intruding on the Indian lands; that the United States, in Congress assembled, did, on the first day of September, 1788, issue their proclamation, forbidding all such unwarrantable intrusions, and enjoined all those who had settled upon the hunting grounds of the Cherokees to depart with their families and effects, without loss of time, as they would answer their disobedience to the injunctions and prohibitions expressed, at their peril.

But information has been received that, notwithstanding the said treaty and proclamation, upwards of five hundred families have settled on the

Cherokee lands, exclusively of those settled between the fork of French Broad, and Holstein rivers, mentioned in the said treaty.

As the obstructions to a proper conduct on this matter have been removed since it was mentioned to the Senate, on the 22d of August, 1789, by the accession of North Carolina to the present Union, and the cessions of the land in question, I shall conceive myself bound to exert the powers intrusted to me by the Constitution, in order to carry into faithful execution the treaty of Hopewell, unless it shall be thought proper to attempt to arrange a new boundary with the Cherokees, embracing the settlements, and compensating the Cherokees for the cessions they shall make on the occasion. On this point, therefore, I state the following questions, and request the advice of the Senate thereon:

1st. Is it the judgment of the Senate that overtures shall be made to the Cherokees to arrange a new boundary, so as to embrace the settlements made by the white people since the treaty of Hopewell, in November, 1785?

2d. If so, shall compensation, to the amount of — dollars annually, or of — dollars in gross, be made to the Cherokees for the land they shall relinquish, holding the occupiers of the land accountable to the United States for its value?

3d. Shall the United States stipulate solemnly to guarantee the new boundary which may be arranged?

Go. WASHINGTON.

Agreed, by unanimous consent, to proceed to the consideration of this message. Whereupon,

Resolved, That the Senate do advise and consent that the President of the United States do, at his discretion, cause the treaty concluded at Hopewell, with the Cherokee Indians, to be carried into execution, according to the terms thereof, or to enter into arrangements for such further cession of territory, from the said Cherokee Indians, as the tranquillity and interest of the United States may require: provided the sum which may be stipulated to be paid to the said Cherokee Indians do not exceed one thousand dollars annually; and provided, further, that no person who shall have taken possession of any lands within the territory assigned to the said Cherokee Indians, by the said treaty of Hopewell, shall be confirmed in any such possessions, but by a compliance with such terms as Congress may hereafter prescribe.

Resolved, In case a new, or other boundary than that stipulated by the treaty of Hopewell, shall be concluded with the Cherokee Indians, that the Senate do advise and consent solemnly to guarantee the same.

Ordered, That the Secretary communicate to the President of the United States the proceedings of Senate on his message of this day.

THURSDAY, AUGUST 12, 1790.

The Senate proceeded to consider the message from the President of the United States, of the 7th of August, 1790, communicating a treaty entered into with the chiefs of the Creek nation of Indians.

And, on the question to advise and consent to the ratification of the said treaty, made with the Creek nation, and referred to in the message of the President of the United States, of the 7th of August, 1790;

The yeas and nays were required by one-fifth of the Senators present:

Mr. Butler—*nay*.

Carroll—*yea*.

Mr. Dalton—*yea*.

Ellsworth—*yea*.

Mr. Few—*nay.*
 Foster—*yea.*
 Gunn—*nay.*
 Hawkins—*yea.*
 Henry—*yea.*
 Johnson—*yea.*
 Johnston—*yea.*
 Izard—*yea.*

Yea, 15, } And it was
 Nays, 4. }

Mr. King—*yea.*
 Lee—*yea.*
 Paterson—*yea.*
 Read—*yea.*
 Schuyler—*yea.*
 Stanton—*yea.*
 Walker—*nay.*

Resolved, (two thirds of the Senators present concurring therein,) That the Senate do consent to the aforesaid treaty, and do advise the President of the United States to ratify the same.

Ordered, That the Secretary communicate to the President of the United States the resolution of Senate upon the aforementioned treaty.

Attest:

SAM: A. OTIS, *Secretary.*

END OF THE SECOND SESSION.